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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,562	04/14/2004	Yoshihide Nomura	1619.1029	4826

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WASHINGTON, DC 20005

EXAMINER
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ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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10/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/823,562

Applicant(s)

NOMURA ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 13, 2007 has been entered.

2. Claims 1-6 and 8-11 are pending in the present invention. Independent claims 1, 6 and 8 have been amended; and new claims 9-11 have been added.

### ***Drawings***

3. The drawings are objected to because drawing indicia should be in the top margins. Note 37 CFR 1.84(g). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

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the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **4. INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

##### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

##### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

##### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

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If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6, 8, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, the following claim language is vague: "outputting the related event data in a tree form by retrieving the event data from the stored event management data based upon input retrieval conditions" [claim 6 lines 15-17]. Note the event data is retrieved from the event management data storage or database. See for example claim 1 lines 15-17.

Regarding claim 8, the following claim language is vague: "outputting the related event data in a tree form by retrieving the event data from the stored event management data based upon input retrieval conditions" [claim 8 lines 16-18]. As stated above, the event data is retrieved from the event management data storage or database. See for example claim 1 lines 15-17.

Regarding claim 8, the following limitation is vague: "executed with spreading across different business systems" [note preamble of claim].

Claims 10 and 11 are rejected based on dependency.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiefer et al. US Patent Application Publication No. 2004/0249644 A1 in view of Eryurek et al. US Patent Application Publication No. 2004/0139079 A1.

Regarding claim 1, Schiefer et al. teaches a business tracking apparatus for tracking a business process which is a flow of a plurality of businesses that are executed in a plurality of business systems [note: paragraphs 0002 and 0005], the apparatus comprising:

means for storing a plurality of business data used in a plurality of business systems and business process definition information defining a relation between the plurality of business data by using relative properties [note: paragraphs 0055-0056];

event data collection means for collecting event data from the plurality of business systems, the event data extracted in the plurality of business systems comprising the relative properties and information showing an execution status of an each of a plurality applications, the plurality of applications executing the plurality of businesses [note: paragraph 0013; paragraph 0051 event adapters extract and receive data from source systems; Schiefer et al. teaches execution status through analysis capabilities and decision support data monitoring which are typical in the art where updates are provided through a window see paragraph 0010. Also, Schiefer et al. teaches evaluators perform evaluation in real-time, simple and complex analysis may be implemented through use of algorithms, see paragraphs 0019 performed in real-time, 0047-0048 evaluator components 104 for monitoring, 0007 use of algorithms, 0078 evaluators are implemented by developers];

event relation means for grouping the collected event data by said plurality of business systems based upon the stored business process definition information and the relative properties included in the collected event data, and relating the grouped event data based among the plurality of business systems based upon the plurality of business data [note: paragraphs 0130-0131 ETL applications can be divided into modules which include a set of event adapters, ETLets or evaluators; paragraphs 0138-0145];

event management data storage means for storing the related event data [note: paragraphs 0055-0056; paragraph 0074]; and

output means for outputting the related event data in a tree form by retrieving the event data from the event management data storage means based upon input retrieval conditions [note: paragraphs 0131-0137]. Although Schiefer et al. teaches the invention substantially as cited

above, they do not explicitly teach that the data is displayed in a tree like form. Eryurek et al. teaches use of a common or integrated navigational tree structure to display data [note: abstract; paragraphs 0002, 0004 status, 0006-0007 and 0058]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Eryurek et al. with Schiefer et al. because a hierarchical form or tree form of display would provide a quick, clear method of viewing the output.

9. Regarding claim 2: “wherein the output means comprises means for displaying an event relative to business data selected on the outputted event data in tree form on a business process chart produced on the basis of the business process definition information [note: Eryurek et al. paragraphs 0057-0061].

10. Regarding claim 3: “wherein the business process definition information includes definition information of standard processing time of each business data as an event, and wherein the output means calculates and displays a delay degree to standard processing time or forecast time” [note: Schiefer et al., ETL developers are able to specify data propagation parameters such as schedule and time constraints see paragraph 0083-0085].

11. Regarding claim 4: “memory means for storing event extraction definition information ... and event extraction means for extracting event data” [note: Schiefer et al., Figure 2 extraction (201); also note paragraph 0067 and 0132-0137].



12. Regarding claim 5: "wherein each of the business systems further comprises: event data conversion means" [note: Schiefer et al., paragraph 0013 and paragraph 0048; also paragraphs 0041-0042].

13. The limitations of claims 6 and 8 parallel apparatus claim 1; therefore they are rejected under the same rationale.

14. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiefer et al. US Patent Application Publication No. 2004/0249644 A1 in view of Eryurek et al. US Patent Application Publication No. 2004/0139079 A1 and Bolene US Patent Application Publication No. 2003/0163329 A1.

Although Schiefer et al. and Eryurek et al. teach the invention substantially as applied to independent claims 1, 6 and 8, regarding dependent claims 9-11 they do not explicitly disclose an event queue. Both Schiefer et al. and Eryurek et al. teach the collection and tracking of event data, however a queue is not explicitly shown. Bolene et al. teaches the use of a queue for trackers demands awaiting system or user attention [see paragraph 0012, 0025, 0037 and 0082]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because queues are well known in the data processing art as a means of I/O in communicating and transmitting data.

***Response to Arguments***

15. Applicant's arguments with respect to claims 1-6 and 8-11 have been considered but are moot in view of the new ground(s) of rejection.

In the response Applicant argued the following:

(i) Applicant argues reference character 14 in Part A and Part B of Figures 19, 20 and 21 depict different stages and are the same element. In response to the drawing objection is *withdrawn*.

The examiner notes, however replacement drawing sheets submitted on January 10, 2007 are improper. Identifying indicia should be in the top margins. See 37 CFR 1.121(d) and 37 CFR 1.84(g).

(ii) Regarding the rejection cited under 35 USC 112 second for omitting essential elements; Applicant states that the "queue" represents an alternate embodiment of the claimed invention and is not an essential element in order for the invention to function. Applicant's arguments are found convincing; therefore the rejection is *withdrawn*.

(iii) Regarding the rejection cited under 35 USC 103(a) citing Schiefer et al. in view of Bolene, Applicant states as amended Schiefer et al. and Bolene do not disclose the claimed invention. Applicant argues Schiefer at paragraphs 55-56 merely discusses storage devices and does not teach storing a plurality of business data used in the plurality of business systems and business process definition information defining a relation between the plurality of business data by using relative properties as amended. In response note new rejection supra. The examiner interprets the limitation "relative properties" as retrieval conditions input, support for this can be found in the specification page 7 paragraph 0022. Schiefer JAVA interface provides for storing a plurality of

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business data as cited see paragraphs 0005-0006, 0038-0040, and 0055-0056 storage devices].

Newly cited prior art reference Eryurek et al. has been cited in place of Bolene to better depict display format capabilities in a tree structure.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cole et al. US Patent Application Publication No. 2004/023077 A1

Casati et al. US Patent Application Publication No. 2004/0153329 A1

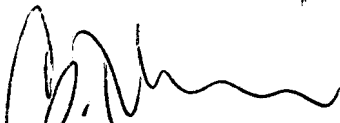
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118.

The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Greta Robinson  
Primary Examiner  
October 18, 2007